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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
CLIFF FORTUNE,
Defendant.

Case No. CR 06-0419 CRB

**STIPULATION AND [PROPOSED]
ORDER CONTINUING SENTENCING
HEARING DATE**

STIPULATION

Defendant Cliff Fortune, by and through his counsel, Edward W. Swanson, and the United States, by and through its counsel Assistant United States Attorney Stacey Geis, hereby stipulate and agree as follows:

1. Mr. Fortune is scheduled to appear before this Court on November 29, 2006 at 2:15 p.m. for sentencing.

2. On November 20, 2006, the Court filed an order indicating it is considering imposing a sentence greater than that suggested by the Sentencing Guidelines.

3. Because defense counsel was inadvertently omitted from the electronic service list on that order, defense counsel was not aware of the Court's November 20 order until Wednesday, November 22 when he was informed of the order by Assistant United States Attorney Stacey Geis.

4. Because counsel for Mr. Fortune was unaware of the November 20 order until November 22, counsel did not have the opportunity to consult with his client about the order prior to having to file the sentencing memorandum due that day.

5. Under the circumstances, the parties agree it would be appropriate to continue the sentencing one week until December 6 at 2:15 pm for sentencing. This one-week continuance would provide Mr. Swanson the opportunity to consult with this client about the Court's order prior to filing the defense sentencing memorandum.

IT IS SO STIPULATED.

Dated: November 27, 2006

/s/
Edward W. Swanson
Swanson, McNamara & Haller LLP
Counsel for Cliff Fortune

Dated: November 27, 2006

/s/
Stacey Geis
Assistant United States Attorney

ORDER

Pursuant to stipulation, the Court HEREBY ORDERS that the Defendant's sentencing hearing is continued from November 29, 2006 to December 6, 2006 at 2:15 p.m.

IT IS SO ORDERED.

Dated: November 28, 2006

